TRANSMITTAL LETTER Docket No. LWEP:122US (General - Patent Pending) In Re Replication Katja PETER et al. Customer No. Group Art Unit Confirmation No. Examiner Filing Date Application No. 24041 2872 7353 Mark Consilvio 10/773,952 February 6, 2004 Title: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A MICROSCOPE SYSTEM **COMMISSIONER FOR PATENTS:** Transmitted herewith is: 1) Reply to Third Notification of Non-Compliant Appeal Brief (37 CFR 41.37) 1) Third Amended Appeal Brief with Claims Appendix, Evidence Appendix (with exhibits A & B), and Related **Proceedings Appendix** 1) Certificate of Mailing by First Class Mail 1) Acknowledgement Postcard in the above identified application. No additional fee is required.  $\boxtimes$ A check in the amount of is attached. The Director is hereby authorized to charge and credit Deposit Account No. 50-0822 as described below. Charge the amount of Credit any overpayment. Charge any additional fee required.  $\boxtimes$ ☐ Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Dated: November 28, 2007 Michael L. Dunn Reg. No. 25330 Simpson & Simpson, PLLC I hereby certify that this correspondence is being deposited with the United States Postal Service with 5555 Main Street sufficient postage as first class mail in an envelope Williamsville, New York 14221 addressed to the "Commissioner for Patents, P.O. Box (716) 626-1564 Phone 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on (716) 626-0366 Fax November 28, 2007 (Date) Signature of Person Mailing Correspondence

MLD/MLS

CC:

Michael L. Dunn

Typed or Printed Name of Person Mailing Correspondence



Attorney Docket No. LWEP:122US U.S. Patent Application No.10/773,952

Date: November 28, 2007

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Katja Peter et al.

U.S. Patent Application No. 10/773,952

For: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A

**MICROSCOPE** 

Filed: February 6, 2004

Examiner: Mark Consilvio

Group Art Unit: 2872

Confirmation No.: 7353

Customer No.: 24041

#### Certificate of Mailing by First Class Mail

I certify that this REPLY TO THIRD NOTIFICATION OF NON COMPLIANT APPEAL BRIEF is being deposited on November 28, 2007 with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Michael L. Dunn Reg. No. 25330

### REPLY TO THIRD NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

(37 CFR 41.37)

Mail Stop Appeal Brief-Patents Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

#### Honorable Sir:

In reply to the Third Notification of Non-Compliant Appeal Brief, please enter the enclosed amended brief. All objections were of a formal nature and no substantive amendments have been made to the Appeal Brief. All objections to the originally presented appeal brief have been overcome.

Respectfully submitted,

Michael L. Dunn

Registration No.25,330 CUSTOMER NO. 24041

Simpson & Simpson, PLLC

5555 Main Street

Williamsville, NY 14221-5406

Telephone No. 716-626-1564

MLD/mjk

Dated: November 28, 2007



Attorney Docket No. LWEP:122US U.S. Patent Application No.10/773,952

Date: November 28, 2007

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Katja Peter et al.

U.S. Patent Application No. 10/773,952

For: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A MICROSCOPE

Filed: February 6, 2004

Examiner: Mark Consilvio

Group Art Unit: 2872

Confirmation No.: 7353

Customer No.: 24041

#### Certificate of Mailing by First Class Mail

I certify that this Third Amended Appeal Brief is being deposited on November 28, 2007 with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Michael L. Dunn Reg. No. 25330

# THIRD AMENDED APPEAL BRIEF (37 CFR 41.37)

Mail Stop Appeal Brief-Patents Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Honorable Sir:

Applicants respectfully appeal the decision of the Examiner finally rejecting Claims 1, 3 and 31 as set forth in the Office Action dated August 2, 2006 and Advisory Action of December 4, 2006. A Notice of Appeal was timely filed by the Applicants on December 20, 2006. This

Third amended Appeal Brief is in reply to the Third Notice of Non-Compliant Appeal Brief

dated November 1, 2007.

**Real Parties in Interest** 

The real party in interest is LEICA MICROSYSTEMS WETZLAR GMBH, Assignee of

the above application by assignment recorded in the Patent and Trademark Office at Reel

014387, Frame 0958.

**Related Appeals and Interferences** 

There are no related appeals or interferences.

**Status of Claims** 

The application originally contained 30 claims. Claim 31 has been added by amendment.

No claims have been cancelled. Claims 1-3, 23-29, and 31 have been amended. Claims 2 and

14-30 have been allowed. Claims 1, 3 and 31 are rejected and claims 4-13 have been withdrawn

from consideration. Claims 1, 3 and 31 are involved in the appeal.

**Status of Amendments** 

An amendment filed October 30, 2007 after final rejection has been entered. No other

amendments after final rejection have been presented. No amendments have been offered that

have not been entered.

Date: November 28, 2007

#### **Summary of Claimed Subject Matter**

Reference numbers in parentheses refer to embodiments of items as shown in the drawings. Claim 1 is the only independent claim on appeal and claims a device for controlling functions of a microscope (1, Figure 1a) within a microscope system (page 2, lines 6-21). The device includes a stand base portion (3, Figure 1a), a central display (supported throughout the specification e.g., page 2, lines 19-21; page 3, lines 1-23; page 11, lines 1-22; page 12, lines 1-22, page 13, lines 3-22; page 26, lines 10-22; page 27, lines 1-21; page 28, lines 1-22; page 29, lines 1-22; and item 8 in Fig. 1a; Fig. 1b; Fig. 2; Fig. 3; Fig 41; Fig. 4b; Fig. 4c; Fig 4d; Fig 5a; Fig. 5b; Figures 6a-6f; Fig. 7b; Figures 8a-8k; Figures 9a-9n; and Figures 10a-10b) integrated into the stand base portion, wherein the central display can be used to perform a plurality of settings of the microscope within the microscope system, to call saved settings of the microscope within the microscope system and to receive warning messages or notifications from the microscope within the microscope system and depending on the selection of the sub-main menu (line 16 on page 13 to line 8 on page 14 and items 21a, 21b, 21c, 21d, 21e, 21f in Figure 2) by the user, a respective submenu (page 3 lines 12-13, page 14, lines 9-23, and item 22 in Figures 1b, 4a, 4b, 4c, 4d, 5a, 5b, 5c, 5d), corresponding to the selected sub-main menu is displayable on the display.. Dependent claim 3 claims the device as defined in Claim 1, wherein a main menu (above referenced) is constructed from multiple sub-main menus (above referenced) and depending on the selection of the sub-main menu by the user, a respective submenu corresponding to the selected sub-main menu is displayable on the display.

Claim 31 claims the device of claim 1 where the plurality of settings that can be performed includes at least one of objective selection and secondary magnification selection. (supported throughout the specification, e.g. page 3, lines 10-23; page 3, lines 1-9; page 12, lines 15-22; page 18, lines 16-22; page 19, lines 1-20; page 20, lines 1-22; page 21, lines 1-16; page 29, lines 17-22; page 30, lines 1-23; page 31, lines 1-21; page 32, lines 1-21; page 33, lines 1-8; item 60a in Figures 6a-6f.)

#### Grounds of Rejection to be Reviewed on Appeal

- 1. Whether claim 1 is patentable under 35 U.S.C. 102 as being anticipated by U.S. Patent 6,235,014 to Abe et al; and
- 2. Whether claims 3 and 31 are patentable under 35 U.S.C. 103 as being obvious to one skilled in the art over Abe (et al) above.

#### Argument

Claim 1 has been rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent 6,235,014 to Abe et al. This rejection is improper and should be reversed.

Claim 1 requires "A device for controlling functions of a microscope within a microscope system, said device comprising: a stand base portion, a central display integrated into the stand base portion, wherein the central display can be used to perform a plurality of settings of the microscope within the microscope system, to call saved settings of the microscope within the microscope system and to receive warning messages or notifications from the microscope within the microscope system."

In applying Abe et al., the Examiner states: "Abe discloses a device for controlling microscope functions including a display (3) integrated into a stand base portion, wherein the display can be used to perform settings of the microscope, call saved settings, and display

warnings or notifications from the system (see also figs. 1-3).

This statement by the Examiner with respect to the disclosure of Abe et al. is incorrect

and even if it were correct is insufficient to support a rejection under either 35 U.S.C. 102 or 103.

Present claim 1 requires: A device for controlling functions of a microscope within a

microscope system..." It is clear that the claim requires control of microscope functions as

microscope functions would be understood by one skilled in the art. A "microscope" as defined

in McGraw Hill's Dictionary of Scientific and Technical Terms, 2nd edition, (1978) at page

1023 as "An instrument through which minute objects are enlarged by means of a lens or lens

system". The definition has not significantly changed since 1978. Reference may presently be

had on-line to http://en.wikipedia.org/wiki/Microscope. "A microscope ... is an instrument for

viewing objects that are too small to be seen by the naked or unaided eye." (word origin

information omitted).

It is therefore clear to any person of ordinary skill in the art that "functions of a

microscope" or "settings of the microscope", as in claim 1, must be for a microscope, not for

some unrelated or ancillary apparatus or function, e.g. changing intensity or direction of a laser is

not a function of a microscope unless it relates to seeing minute objects.

Abe et al. does not disclose or suggest anything at all concerning control of any

function of a microscope using a display and in making such an assertion, the Examiner is

over extending the reference based upon hindsight application of the present invention beyond

any reasonable disclosure or suggestion actually within the Abe et al. reference.

Contrary to the position of the Examiner, Abe et al. does not disclose or suggest a device

for controlling microscope functions; does not disclose or suggest a display (3) integrated into a

stand base portion; and does not disclose or suggest a display that can be used to perform

settings of the microscope, call saved settings, and display warnings or notifications from the

system (see also figs. 1-3). It is irrelevant that other functions can also be controlled by the

display in accordance with the presently claimed invention because the cited art does not

disclose or suggest control of microscope functions whether or not additional functions can

be controlled with the display. Abe et al is in fact irrelevant to the present invention.

Abe et al does not disclose or suggest any such limitations or requirements.

Abe et al does not disclose or suggest a central display integrated into the stand base

portion. The display of Abe et al. has a display (control panel 3) integrated into a laser oscillator

1 not into a stand base portion as has always been required by claim 1. For this reason alone

the rejection under 35 U.S.C. 102 must be withdrawn since each and every limitation of the

claim must be disclosed in the reference for such an anticipation rejection under 35 U.S.C. 102 to

be proper. Further, there is no suggestion at all of incorporating a central display into a stand

base portion of a microscope system. In addition there is no disclosure or suggestion of "a

central display is used to perform a plurality of settings of the microscope within the

microscope system" as presented in claim 1 as amended.

The control panel of Abe et al does not appear to be directed to controlling any functions of a microscope and certainly not a plurality of such microscope functions. Rather, the control panel of Abe et al is directed to controlling laser treatment energy for laser eye surgery and there appears to be no suggestion of any control of microscope function. The control panel of Abe et al. can in no way be used to control "a plurality" of the functions of a microscope and no such

The present claims require that the "...display can be used to perform a plurality of settings of the microscope within the microscope system." It is irrelevant that other functions can also be controlled by the display in accordance with the invention because the cited art does not disclose or suggest control of microscope functions whether or not additional functions can be controlled with the display.

display having such ability is remotely suggested.

The Examiner has rejected claims 3 and 31 under 35 U.S.C. 103 as being unpatentable over Abe (et al) above. This rejection should be reversed.

With respect to claim 3, after the Examiner admits that: "Abe does not disclose the display to display main, sub-main, and submenus", the Examiner simply states, without citation of any supporting reference, that:

"This type of 'nested' menu structure is very well known and commonly used in display systems. It would have been obvious to use such a menu structure including these types of menus in Abe's system in order to organize the information and control systems, thus making them easy to use."

There is no discussion at all by the Examiner of their unique use in conjunction with microscopic functions and no cited support for use with microscopic functions or even for their use with anything. The use of such a system to control microscopic functions is unique

and unobvious to one skilled in the art, especially within a display in a microscope stand.

With respect to claim 31, the rejection is even more clearly improper.

Claim 31, depending from claim 1, requires that the plurality of settings that can be

performed include at least one of objective selection and secondary magnification. There is

absolutely no suggestion in Abe et al of any display or control capable of performing either of

such settings and certainly not in conjunction with other microscopic functions.

The Examiner admits:

"Regarding claim 31, Abe does not specifically teach the display to control either

objective selection or magnification selection."

The Examiner then simply states without any reference in support,

"However, Abe discloses both of these functions in relation to a microscope. It would have been obvious to the ordinary skilled artisan at the time of the invention to use Abe's

display/control to control either or both of these functions in order to provide the user with convenient location of all of the controls of the system, thus making the system

more efficient and compact."

This is impermissible hindsight at its most egregious. Abe et al does not disclose or

suggest the use of a display to control microscope functions at all, yet the Examiner takes the

unsupported hindsight position that it would be obvious to take manual controls from a

microscope associated with the Abe et al. structure and incorporate them into a display that Abe

et al only uses for treatment lasers. If the advantages are so clear, as the Examiner would

have us believe, why did Abe et al. not actually incorporate microscopic controls into the

display. The answer is clear, prior to the present invention, it was not obvious to one

Attorney Docket No. LWEP:122US U.S. Patent Application No.10/773,952

Date: November 28, 2007

skilled in the art from Abe et al., to incorporate microscope controls into a display and

certainly not within a microscope stand.

The claims clearly do not stand or fall together. Claim 3 includes the further limitation

over claim 1 wherein a main menu is constructed from multiple sub-main menus; and depending

on the selection of the sub-main menu by the user, a respective submenu corresponding to the

selected sub-main menu is displayable on the display. This further limitation lends patentability

over and above the patentable limitations already in claim 1. Claim 31 includes the limitation

where the plurality of settings that can be performed includes at least one of objective selection

and secondary magnification selection. This further limitation lends patentability over and above

the patentable limitations already in claim 1.

The rejections should be reversed and claims 1, 3 and 31 should be allowed.

In view of the foregoing, it is clear that the pending claims are patentable over the cited

prior art. Reversal of the Examiner and allowance of all claims are therefore respectfully

requested.

Respectfully submitted,

Registration No.25,330 CUSTOMER NO. 24041

Simpson & Simpson, PLLC

5555 Main Street

Williamsville, NY 14221-5406

Telephone No. 716-626-1564

MLD/mjk

Dated: November 28, 2007

Date: November 28, 2007

Claims Appendix

Reprinted below are the claims involved in the appeal:

A device for controlling functions of a microscope within a microscope system, said

device comprising: a stand base portion, a central display integrated into the stand base portion,

wherein the central display can be used to perform a plurality of settings of the microscope

within the microscope system, to call saved settings of the microscope within the microscope

system and to receive warning messages or notifications from the microscope within the

microscope system.

1.

3. The device as defined in Claim 1, wherein a main menu is constructed from multiple sub-

main menus; and depending on the selection of the sub-main menu by the user, a respective

submenu corresponding to the selected sub-main menu is displayable on the display.

31. The device of claim 1 where the plurality of settings that can be performed includes at least

one of objective selection and secondary magnification selection.

### **Evidence Appendix**

Exhibit A. McGraw Hill's Dictionary of Scientific and Technical Terms, 2nd edition, (1978) at page 1023 entered in October 27, 2006 reply to office action dated August 2, 2006. Copy attached.

Exhibit B. http://en.wikipedia.org/wiki/Microscope, Web site Screen shot of October 27, 2006, entered in October 27, 2006 reply to office action dated August 2, 2006. Copy attached.

microrelle! [GEOGR] Irregularities of the land surface causing variations in elevation amounting to no more than a few feel.

microresistivity survey [PETRO ENG] General term for downhole resistivity surveys of oil-bearing formations; includes microlog and microlaterolog surveys.

microrheology (MECH) A branch of rheology in which the heterogeneous nature of dispersed systems is taken into account.

Microsauria [PALEON] An order of Carboniferous and early Permian lepospondylous amphibians.

microsclere [INV 200] A minute sclerite in Porifera.

mleroscope [OPTICS] An instrument through which minute objects are enlarged by means of a lens or lens system; principal types include optical, electron, and x-ray.

microscope stage [OPTICS] The platform on which specimens are placed for microscopic examination.

microscopic [OPTICS] See microscopical. [SCI TECH] Of extremely small size.

microscopical [OPTICS] Also known as microscopic. 1. Of or pertaining to the microscope. 2. Visible only under a microscope.

nicroscopical diagnosis [PATH] Identification of a disease by microscopic examination of specimens taken from the patient.

alcroscopic anisotropy [PETRO ENG] Phenomenon in electrical downhole logging wherein electric current flows most easily along the water-filled interstices, usually parallel to sedimentary bed strata.

icroscopic reversibility [STAT MECH] A principle which requires that in a system at equilibrium any molecular rocess and its reverse take place at the same average rate. Uso known as reversibility principle.

icroscopic state [STAT MECH] The state of a system as pecified by the actual properties of each individual, elementic component, in the ultimate detail permitted by the accrtainty principle. Also known as microstate.

croscopic stress [MET] Residual stress ranging from comression to tension in a metal within a distance often imparable to the grain size. Also known as microstress, croscopic theory [PHYS] A theory concerned with the deractions of atoms, inolecules, or their constituents, involvg distances on the order of 10-10 meter or less, which iderlie observable phenomena.

HOSCOPIST [SCI TECH] An individual skilled in the use of e microscope.

roscopy [OPTICS] The interpretive application of microppe magnification to the study of materials that cannot be operly seen by the unaided eye.

to second [MECH] A unit of time equal to one-millionth a second. Abbreviated  $\mu$ s.

rosegregation [MET] Segregation within a grain, crystal, particle of microscopic size.

oseism [GEOPHYS] A weak, continuous, oscillatory molin the earth having a period of 1-9 seconds and caused by triety of agents, especially atmospheric agents; not related unearthquake.

oseismic instrument [MIN ENG] An instrument for the by of roof strata and supports; it is inserted in holes, drilled elected points, for listening to subaudible vibrations that and rock failure.

iseptum [INV 200] An incomplete or imperfect mesen-

shrinkage [MET] A casting defect consisting of interlific voids, visible only at magnifications over 10 diam-

tome [CYTOL] L. A fragment of the endoplasmic retum. 2. A minute granule of protoplasm.

spec function [ADP] The set of microinstructions beforms a specific operation in one or more machine

species [ECOL] A small, localized species population sclearly differentiated from related forms. Also known danon.

microspectrograph [SPECT] A microspectroscope provided with a photographic camera or other device for recording the spectrum.

microspectrophotometer [spect] A split-beam or double-beam spectrophotometer including a microscope for the localization of the object under study, and capable of carrying out spectral analyses within the dimensions of a single cell, microspectroscope [spect] An instrument for analyzing the spectra of microscopic objects, such as living cells, in which light passing through the sample is focused by a compound microscope system, and both this light and the light which has passed through a reference sample are dispersed by a prism spectroscope, so that the spectra of both can be viewed simultaneously.

microspherulitic [PETR] Of the texture of an igneous rock, having spherulitic character visible only under the microscope.

Microsporaceae [not] A monogeneric family of green algae in the suborder Ulotrichineae; the chloroplast is a parietal network.

microsporangium [BOT] A sporangium bearing microspores.
microspore [BOT] The smaller spore of heterosporous
plants; gives rise to the male gametophyte.

Microsporida [INV 200] The single order of the class Microsporidea.

Microsporidae [INV 200] The equivalent name for Sphae-

Microsporidea [INV 200] A class of Chidospora characterized by the production of minute spores with a single intrasporal filament or one or two intracapsular filaments and a single sporoplasm; mainly intracellular parasites of arthropods and fishes.

microsporidiosis [VET MED] Infection with microsporidians. microsporophyll [BOT] A sporophyll bearing microsporagia.

microstate See microscopic state:
microstress See microscopic stress.

microstrip [ELECTROMAG] A strip transmission line that consists basically of a thin-film strip in intimate contact with one side of a flat dielectric substrate, with a similar thin-film ground-plane conductor on the other side of the substrate. microstructure [SCI TECH] The structure of an object, organism, or material as revealed by a microscope of a magnification over 10 times.

microstylolite [PETR] A stylolite in which the surface relief is less than 1 millimeter.

microsurgery [BIOL] Surgery on single cells by micromanipulation.

Microswitch [ELEC] A trade name for a small switch in which contact is made or broken by a slight motion.

microsystem electronics. See microelectronics.

Microtatobiotes [BIOL] An artificial taxonomic category, comprising two unrelated groups of biological entities, the rickettsiae and the viruses.

microfectonics See structural petrology.

microtherm [ECOL] A plant requiring a mean annual temperature range of 0-14°C for optimum growth.

microthermal climate [CLIMATOL] A temperature province in both of C. W. Thornthwaite's climatic classifications, generally described as a "cool" or "cold winter" climate. microthrowing power [Phys CHEM] Relative ability of an electroplating solution to deposit metal in a small, shallow aperture or crevice not exceeding a few thousandths of an inch in dimensions.

Microtinae [VERT ZOO] A subfamily of rodents in the family Muridae that includes lemmings and muskrats.

microtome [ENG] An instrument for cutting thin sections of tissues or other materials for microscopical examination. microtomy [BIOE] Cutting of thin sections of specimens with a microtome.

Microtragulidae [PALEON] A group of saltatorial caenolistoid marsupials that appeared late in the Cenozoic and paralleled the small kangaroos of Australia.

microtrichia [inv zoo] Small hairs on the integument of various insects, especially on the wings.

microtron [NUCLEO] A type of circular particle accelerator for accelerating electrons to energies of several million

## microrelief microtron

#### MICROSAURIA



Microbrachis, a microsaur from the Late Pennsylvanian epoch. (After Steen)

MICROSCLERE



Shapes of various microscleres.

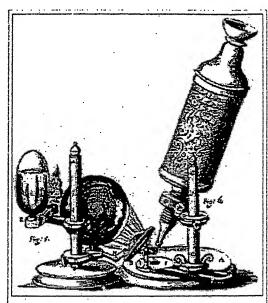
#### EXHIBIT B

From Wikipedia, the free encyclopedia

A microscope (Greek:  $\mu \kappa \rho \delta v$  (micron) = small +  $\sigma \kappa o \pi \epsilon \Box v$  (skopein) = to look at) is an instrument for viewing objects that are too small to be seen by the naked or unaided eye. The science of investigating small objects using such an instrument is called microscopy, and the term microscopic means minute or very small, not easily visible with the unaided eye. In other words, requiring a microscope to examine. Microscopes give us a large image of a tiny object. The microscopes we use in school and at home trace their history back almost 400 years.

The first useful microscope was developed in the Netherlands in the early 1600s. There is almost as much confusion about the inventor as about the dates. Three different eyeglass makers have been given credit for the invention: Hans Lippershey (who also developed the first real telescope); Hans Janssen; and his son, Zacharias.

The most common type of microscope—and the first to be invented—is the optical microscope. This is an optical instrument containing one or more lenses that produce an enlarged image of an object placed in the focal plane of the lens(es). There are, however, many other microscope designs.



Robert Hooke's microscope (1665) - an engineered device used to study living systems.

# **Contents**

- 1 Types
  - 1.1 Optical microscopes
  - 1.2 Electron microscopes
  - 1.3 Scanning probe microscope
  - 1.4 Point-projection microscopes
  - 1.5 Other microscopes
- 2 See also

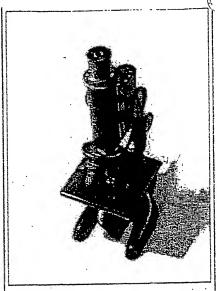
# **Types**

Microscopes can largely be separated into two classes, optical theory microscopes and scanning probe microscopes.

Optical theory microscopes are microscopes which function through the optical theory of lenses in order to magnify the image generated by the passage of a wave through the sample. The waves used are either electromagnetic in optical microscopes or electron beams in electron microscopes. The types are the Compound Light, Stereo, and the electron microscope.

# Optical microscopes

Optical microscopes, through their use of visible wavelengths of light, are the simplest and hence most widely used type of microscope. Recent research has



A 1915 Bausch and Lomb Optical microscope.

shown (see Brian J. Ford's research c... simple microscopes (http://www.brianjford.com/wav-spf.htm)) that even simple microscopes, those with a single small lens, gave amazingly clear images to the earliest microscopists. Today compound microscopes, i.e., especially those with a series of lenses, serve uses in many fields of science, particularly biology and geology.

Optical microscopes use refractive lenses, typically of glass and occasionally of plastic, to focus light into the eye or another light detector. Typical magnification of a light microscope is up to 1500x with a theoretical resolution of around 0.2 micrometres. Specialised techniques (e.g., scanning confocal



A stereo microscope is often used for lower-power magnification on large subjects.

microscopy) may exceed this magnification but the resolution is an insurmountable diffraction limit.

Other microscopes which use electromagnetic wavelengths not visible to the human eye are often called optical microscopes. The most common of these, due to its high resolution yet no requirement for a vacuum like electron microscopes, is the x-ray microscope.

### Electron microscopes

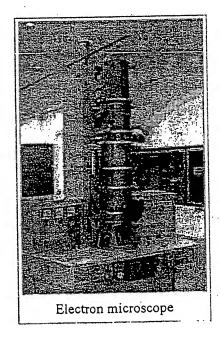
Electron microscopes, which use beams of electrons instead of light, are designed for very high magnification usage. Electrons, which have a much smaller wavelength than visible light, allow a much higher resolution. The main limitation of the electron beam is that it must pass through a vacuum as air molecules would otherwise scatter the beam.

Instead of relying on refraction, lenses for electron microscopes are specially designed electromagnets which generates magnetic fields that are approximately parallel to the direction that electrons travel. The electrons are typically detected by a phosphor screen, photographic film or a CCD.

Two major variants of electron microscopes exist:

- Scanning electron microscope: looks at the surface of bulk objects by scanning the surface with a fine electron beam and measuring reflection.
   May also be used for spectroscopy.
- Transmission electron microscope: passes electrons completely through the sample, analogous to basic optical microscopy. This requires careful sample preparation, since electrons are scattered so strongly by most

materials. It can also obtain detailed information on the sample's crystallography through selected area diffraction.



# Scanning probe microscope

In scanning probe microscopy (SPM), a physical probe is used either in close contact to the sample or nearly

Microscope - Wikipedia, the free encyclopedia

I age 3 of 4

touching it. By rastering the profescross the sample, and by measuring the eractions between the sharp tip of the probe and the sample, a micrograph is generated. The exact nature of the interactions between the probe and the sample determines exactly what kind of SPM is being used. Because this kind of microscopy relies on the interactions between the tip and the sample, it generally only measures information about the surface of the sample.

#### Some kinds of SPMs are:

- Atomic force microscope
- Scanning tunneling microscope
- Electric force microscope
- Magnetic force microscope (MFM)
- Near-field scanning optical microscope

# Point-projection microscopes

The field emission microscope, field ion microscope, and the Atom Probe are examples of point-projection microscopes where ions are excited from a needle-shaped specimen and hit a detector. The Atom-Probe Tomograph (APT) is the most modern incarnation and allows a three-dimensional atom-by-atom (with chemical elements identified) reconstruction with sub-nanometer resolution.

# Other microscopes

Acoustic microscopes use sound waves to measure variations in acoustic impedance. Similar to SONAR in principle, they are used for such jobs as detecting defects in the subsurfaces of materials including those found in integrated circuits.

# See also

- Microscopy
- Optical Microscope
- Electron Microscope
- X-ray microscope
- Fluorescent microscopy
- Fluorescence interference contrast microscopy
- Darkfield microscope
- Phase contrast microscopy
- Angular resolution
- Microscope image processing
- Microscope slide
- Microscopy laboratory
   (http://textbook.wikipedia.org/wiki/Botany:\_Microscopy\_laboratory) in: A Study
   Guide to the Science of Botany at Wikibooks
- Telescope
- Common acronyms in microscopy
- Condensed Matter Physics



Different microscopes

# Laboratory Equipment

[hide]

Agar plate • Aspirator • Autoclave • Bunsen burner • Calorimeter • Colony counter • Colorimeter • Centrifuge • Fume hood • Incubator • Laminar flow cabinet • Magnetic stirrer • Microscope • Microtiter plate • Plate reader • Spectrophotometer • Stir bar •

Thermometer · Vortex mixer · Static mix

Laboratory glassware

Beaker • Boiling tube • Büchner funnel • Burette • Condenser • Conical measure • Crucible • Cuvette • Laboratory flasks (Erlenmeyer flask, Round-bottom flask, Florence flask, Volumetric flask, Büchner flask, Retort) • Gas syringe • Graduated cylinder • Pipette • Petri dish • Separating funnel • Soxhlet extractor • Test tube • Thistle tube • Watch glass

Retrieved from "http://en.wikipedia.org/wiki/Microscope"

Categories: Articles with unsourced statements since February 2007 | All articles with unsourced statements | Microscopy | Microscopes | Microbiology equipment

■ This page was last modified 17:26, 30 April 2007.

All text is available under the terms of the GNU Free Documentation License. (See Copyrights for details.)
Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a US-registered 501(c)(3) tax-deductible nonprofit charity.

Attorney Docket No. LWEP:122US U.S. Patent Application No.10/773,952 Date: November 28, 2007

# Related Proceedings Appendix

NONE

In Re Application Of: Katja Peter et al.  Application No.  Filing Date  Transmitted Permitting Date  COMMISSIONER FOR PATENTS:  Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:  December 20, 2006  The fee for filing this Appeal Brief is: \$500.00  A check in the amount of the fee is enclosed.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822	TRANSMITTAL OF APPEAL BRIEF (Large Entity)				Docket No. LWEP:122US	
Invention: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A MICROSCOPE SYSTEM  COMMISSIONER FOR PATENTS:  Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on: December 20, 2006  The fee for filling this Appeal Brief is: \$500.00  A check in the amount of the fee is enclosed.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038.  Michael L. Duan Reg. No. 25330  Simpson, PLLC  Signature  Michael L. Duan Reg. No. 25330  The page of this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope diddressed to Commissioner for Patents, P.O. eox 1450, Alexandra, VA 22313-14507 [37.0FR 1.8(a)] on February 7, 2007	In Re Application Of: Katja Peter et al.					
Invention: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A MICROSCOPE SYSTEM  COMMISSIONER FOR PATENTS:  Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on: December 20, 2006  The fee for filling this Appeal Brief is: \$500.00  A check in the amount of the fee is enclosed.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038.  Michael L. Duan Reg. No. 25330  Simpson, PLLC  Signature  Michael L. Duan Reg. No. 25330  The page of this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope diddressed to Commissioner for Patents, P.O. eox 1450, Alexandra, VA 22313-14507 [37.0FR 1.8(a)] on February 7, 2007	Application No. Filing Date	Examiner	Customer No.	Group Art Un	nit Confirmation No.	
COMMISSIONER FOR PATENTS:  Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:			24041	2872	7353	
Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:  December 20, 2006  The fee for filing this Appeal Brief is: \$500.00  A check in the amount of the fee is enclosed.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.  Payment by credit card. Form PTO-2038 is attached.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  Dated: February 7, 2007  I hereby certify that this correspondence is being deposited with the United States Postal Service with S555 Main Street  Williamsville, New York 14221  (716) 626-1564 Phone  The provided the Postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37, CFR 1.8(a)] on February 7, 2007	Invention: DEVICE AND METHOD FOR CONTROLLING FUNCTIONS OF A MICROSCOPE SYSTEM					
Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:  December 20, 2006  The fee for filing this Appeal Brief is: \$500.00  A check in the amount of the fee is enclosed.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.  Payment by credit card. Form PTO-2038 is attached.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  Dated: February 7, 2007  I hereby certify that this correspondence is being deposited with the United States Postal Service with S555 Main Street  Williamsville, New York 14221  (716) 626-1564 Phone  The provided the Postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37, CFR 1.8(a)] on February 7, 2007						
The fee for filing this Appeal Brief is: \$500.00   A check in the amount of the fee is enclosed.  ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \$50-0822  ☐ I have enclosed a duplicate copy of this sheet.  ☐ Payment by credit card. Form PTO-2038 is attached.  ☐ WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  ☐ Dated: February 7, 2007  Michael L. Dunn Reg. No. 25330 Simpson & Simpson, PLLC  5555 Main Street  Williamsville, New York 14221  (716) 626-1364 Phone  (716) 626-1364 Phone  (716) 626-0366 Fax	COMMISSIONER FOR PATENTS:					
<ul> <li>☑ A check in the amount of the fee is enclosed.</li> <li>☐ The Director has already been authorized to charge fees in this application to a Deposit Account.</li> <li>☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.</li> <li>☐ Payment by credit card. Form PTO-2038 is attached.</li> <li>☐ WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</li> <li>☐ Dated: February 7, 2007</li> <li>☐ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to 'Commissioner for Patents, P.O. Box 1450 (716) 626-1564 Phone (716) 626-0366 Fax</li> <li>☐ February 7, 2007</li> </ul>						
The Director has already been authorized to charge fees in this application to a Deposit Account.  ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822  ☐ have enclosed a duplicate copy of this sheet.  ☐ Payment by credit card. Form PTO-2038 is attached.  ☐ WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  ☐ Dated: February 7, 2007  ☐ hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patients, P.O. Box 1450 (716) 626-1366 Fax  ☐ hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patients, P.O. Box 1450 (716) 626-0366 Fax	The fee for filing this Appeal Brief is:	\$500.00				
The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822	🗵 A check in the amount of the fee is enclosed.					
overpayment to Deposit Account No. 50-0822 I have enclosed a duplicate copy of this sheet.  Payment by credit card. Form PTO-2038 is attached.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  Dated: February 7, 2007  Michael L. Dunn  Reg. No. 25330  Simpson & Simpson, PLLC  5555 Main Street  Williamsville, New York 14221  (716) 626-1564 Phone  (716) 626-0366 Fax  I have enclosed a duplicate copy of this sheet.  I have enclosed a duplicate copy of this sheet.  I have enclosed a duplicate copy of this sheet.  I have enclosed a duplicate copy of this sheet.  I have enclosed a duplicate copy of this sheet.  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2007	☐ The Director has already been authorized to charge fees in this application to a Deposit Account.					
Payment by credit card. Form PTO-2038 is attached.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  Dated: February 7, 2007  Michael L. Dunn  Reg. No. 25330 Simpson & Simpson, PLLC  5555 Main Street  Williamsville, New York 14221  (716) 626-1564 Phone  (716) 626-1564 Phone  (716) 626-0366 Fax  Dated: February 7, 2007	overpayment to Deposit Account No. <u>50-0822</u> I have enclosed a duplicate copy of this sheet.					
michael L. Dunn Reg. No. 25330 Simpson & Simpson, PLLC 5555 Main Street Williamsville, New York 14221 (716) 626-1564 Phone (716) 626-0366 Fax  Dated: February 7, 2007   Dated: February 7, 2007  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 GFR 1.8(a)] on February 7, 2007						
Michael L. Dunn  Reg. No. 25330  Simpson & Simpson, PLLC  5555 Main Street  Williamsville, New York 14221  (716) 626-1564 Phone  (716) 626-0366 Fax  Michael L. Dunn  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2007	WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
Reg. No. 25330 Simpson & Simpson, PLLC  5555 Main Street Williamsville, New York 14221  (716) 626-1564 Phone (716) 626-0366 Fax    I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2007	Muhula		Dated: Feb	ruary 7, 2007	,	
deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450 (716) 626-0366 Fax  deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2007	Reg. No. 25330					
Williamsville, New York 14221 (716) 626-1564 Phone (716) 626-0366 Fax  addressed to "Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 7, 2007	deposited with the United States Postal Se sufficient postage as first class mail in an					
(716) 626-0366 Fax	·	addressed to "( Alexandria, VA	addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 GFR 1.8(a)] on			
	A/ /					
Signature of Person Mailing Correspondence			Signature of Person Mailing Correspondence			
Michael L. Dunn	cc:	Michael L. Dunn  Typed on Printed Name of Person Mailing Correspon				